

IN THE UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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In Re: COOK MEDICAL, INC., IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

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Case No: 1:23-cv-01405  
MDL No. 2570

This Documents Relates to Plaintiff(s):  
SUSAN LINDSEY-KEMPF

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Civil Case No. 1:23-cv-01405

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**MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR LEAVE TO FILE**  
**AMENDED SHORT FORM COMPLAINT**

COMES NOW, Plaintiff Susan Lindsey-Kempf and files this motion to substitute her surviving sister, Patricia Little, as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support therefore, Plaintiff respectfully shows the court the following:

1. Plaintiff Susan Lindsey-Kempf filed the present action in the United States District Court of the Southern District of Indiana on August 09, 2023.
2. Plaintiff Susan Lindsey-Kempf died on or about January 20, 2025.
3. On March 31, 2025, Plaintiff filed a suggestion of death pursuant to Federal Rule of Civil Procedure 25(a). See Doc. No. 26581. Plaintiff's counsel recently learned of the death of Susan Lindsey-Kempf after contacting her sister.
4. Patricia Little, surviving sister of Susan Lindsey-Kempf, is the proper party plaintiff to substitute for Plaintiff-decedent Susan Lindsey-Kempf and has proper capacity to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a party dies, and the claim is not extinguished, the court may order substitution of

the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative.”

5. Plaintiff thus moves to substitute Patricia Little, as the personal representative of the Estate of Susan Lindsey-Kempf, deceased, as Plaintiff in the present action.
6. Plaintiff also moves to amend the Complaint, as well as the caption of the Complaint, to correct the proper Plaintiffs (specifically Patricia Little, as personal representatives of the Estate of Susan Lindsey-Kempf, deceased) and to update and include information, allegations, and actions within the Complaint to reflect that Plaintiff Susan Lindsey-Kempf is now deceased.
7. A proposed First Amended Short Form Complaint is attached hereto as Exhibit A.
8. Pursuant to Federal Rules of Civil Procedure 15(a)(2), a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

WHEREFORE, counsel for Plaintiff requests this Court for the following relief (1) the Court substitute Patricia Little as the personal representative of the Estate of Susan Lindsey-Kempf, deceased, as Party Plaintiff for Susan Lindsey-Kempf; (2) the Court grant leave to file the attached First Amended Short Form Complaint; Case 1:23-cv-01405 and (3) the Court deem the attached First Amended Short Form Complaint filed instanter. A proposed Order is attached hereto as Exhibit B.

Date: March 31, 2025

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/s/Basil Adham

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2025, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/Basil Adham